

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	No. 3:09-CR-5
v.	)	(PHILLIPS/GUYTON)
	)	
JACKIE D. BORDEN,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This criminal action is before the Court on the defendant's Motion for Relief from Improper Joinder [Doc. 13] and Motion to Suppress Photographic Lineup. [Doc. 19] On May 28, 2009, the parties appeared before the Court for a hearing on the instant motions. Assistant United States Attorney Cynthia Davidson appeared on behalf of the government, and attorney Charles Poole appeared on behalf of the defendant, who was also present. During the hearing, the parties advised the Court that plea negotiations were ongoing, and that the parties believed that they would be entering into an plea agreement in the near future. The defendant advised the Court that if an agreement were reached, he would not pursue the instant motions. Since the hearing, the Court has been advised that the parties have entered into a plea agreement in this matter. Accordingly, the defendant's motions [Docs. 13, 19] are hereby **DENIED as moot**.

**IT IS SO ORDERED.**

ENTER:

s/ H. Bruce Guyton  
United States Magistrate Judge